IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Crl.RC.No. 35 of 2000()

CC.280/1996 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES),PUNALUR

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PARTIES :

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1. STATE OF KERALA
   REPRESENTED BY PUBLIC PROSECUTOR

   BY PUBLIC PROSECUTOR SRI.C.K.SURESH

2. REVI FRANCIS
   S/O.FRANCIS MICHAL,
   CHAMBIYODE VADAKKEKKARA PUTHEN VEEDU
   KARODE MURI, VILAPPIL VILLAGE
   NEYYATTINKARA TALUK, THIRUVANANTHAPURAM DISTRICT.

3. SURENDRAN, S/O.SETHU
   AMBIKAVILASOM BUNGALOW
   THADATHARIKAM, VENKAVILA PRADESOM
   NEDUMANGAD VILLAGE, NEDUMANGAD TALUK.

4. KUTTAPPAN, S/O.DAVEED, ADIYODI COLONY
   PERINGAMALA VILLAGE, - DO-

5. AJI, S/O.APPU, ADIYODI COLONY, -DO- -DO-

6. AJI, S/O.MANUVEL, ADIYODI COLONY, -DO - -DO-

   BY ADV. SRI.S.GOPAKUMARAN NAIR
   SRI.K.SATHEESH KUMAR
   SRI.T.A.UNNIKRISHNAN

THIS CRIMINAL RIVISION CASE HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

CRL.R.C.NO.35 OF 2000

Dated this the 27th July 2007

ORDER

Suo motu revision was initiated by this Court as it was found that in C.C.No.280/1996 the minimum sentence envisaged by the statute which is simple imprisonment for a term which shall not be less than one year and a fine which shall not be less than 1000/-, was not imposed by the concerned J.F.C.M. The offence involved is under Sections 27(1)(e)III and IV of the Kerala Forest (Amendment) Act. Accused are discharged under Section 249 of Crl.P.C. Evidently the action on the part of the court below is erroneous.

I find that the alleged loss involved for the Government is Rs.300/- and that the date of the incident is 25-7-1985. In the circumstances, I find that after the lapse of these much of time, it will not be proper to set aside the sentence imposed and remit the matter back to the court below. Hence, the Crl.R.C.is closed.

K.R.UDAYABHANU, JUDGE

csl